

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, FEBRUARY 14, 2017

MAYFLOWER ROOM, TOWN HALL, 11 LINCOLN STREET, PLYMOUTH, MA – 6:15 PM

6:15PM EXECUTIVE SESSION

The Board of Selectmen will hold an Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 6; to consider the purchase, exchange, lease or value of real property, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the governmental body.

- ❖ Mount Pleasant School
- ❖ 158 Water Street

7:00PM - CALL TO ORDER

Ken Tavares, Chairman of the Board, called the meeting to order at 7:00 p.m. and asked Cub Scouts Pack 47 to lead the Pledge of Allegiance. Chairman Tavares welcomed the Cub Scouts and explained that Pack 47 was attending the Selectmen's Meeting as part of earning their Achievement Badge titled "Building a Better World"

Present: Kenneth A. Tavares, Chairman
Anthony F. Provenzano Jr, Vice Chairman
John Mahoney
Sean Page
Shelagh Joyce

Melissa Arrighi, Town Manager
Derek Brindisi, Assistant Town Manager

7:01PM – PUBLIC COMMENT

None

7:03PM – AFFORDABLE HOUSING TRUST APPOINTMENTS *(One Seat)*

Chairman Tavares announced that this was continued from two weeks ago due to a Board Member being absent and having a tied vote. He then called on the three applicants as follows: William Tocco (Absent), Kathleen Dunn (Present), Tiffany Potter (Absent)

The Board then voted to appoint one of the applicants to the vacant seat, and the results were as follows: Tocco – 2 Votes, Dunn – 3 Votes, Potter – 0 Votes

The Board appointed Kathleen Dunn to the Affordable Housing Trust for a term beginning immediately and terminating on January 30, 2020. *Voted 3/2*

7:05PM – COALITION OF CONCERNED CITIZENS

Kevin Lynch came to the podium, thanked the Board for allowing him to come in and also welcomed Cub Scout Pack 47 adding that his presentation might be of interest to them if they are considering becoming Selectmen or work in Government. Mr. Lynch then said that he'd been approached by many people asking questions that he didn't have the answers to so he suggested having a Question and Meeting night with the Selectmen. He said the meeting would have provisions such as only three questions at 5 to 8 minutes per question that would be answered either that night or at least within two weeks. Mr. Lynch also wanted to note that he renamed his committee to Plymouth Citizen's Coalition.

Sean Page, Selectmen, pointed out the fact that he gave nothing to the Board of Selectmen for back up to review prior to the meeting, which is common practice. He also told Mr. Lynch that respect goes a long way. Selectman Page went on to say that a lot of information can be sensitive and answers are not available right away. He finished by saying that this practice has been done during public comment.

Kevin Lynch said it has not been done and that he has many people asking him questions that he cannot answer, to which Selectman Page asked him where these people were. He added that unless we are asked we can't give an answer.

Mr. Lynch then talked about the professor that spoke at a recent Selectmen's Meeting saying people are frustrated with local governments and that you people need to do a better job. He went on saying that this is a simple request and that he was looking for some sort of support from the Board of Selectmen.

Shelagh Joyce, Selectman, said that Mr. Lynch has some merit to his comments and asking questions is a key point. Selectman Joyce said she feels this way as a Citizen, as a Finance Committee Member and as a Selectman. She finished by saying she gets asked questions all the time and tries to give reasonable answers.

Chairman Tavares suggested to Kevin Lynch that he submit his request in writing, to which Mr. Lynch said he would and that he would come back in a couple of weeks.

Selectman Joyce asked Mr. Lynch to send a list of unanswered question for us to look into, to which Mr. Lynch said that he would.

7:15PM – ARTICLE 2 - Boards and Committee Reports

To hear the reports of several Boards and Committees of the Town therein, or take any other action relative thereto.

Melissa Arrighi, Town Manager, said that this is a standard Article and will allow the Town to hear reports from Committees at the April 1, 2017 Town Meeting.

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved moving Article 2 to the 2017 Spring Town Meeting. *Voted 5/0*

7:17PM – ARTICLE 8 – Departmental Equipment

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the repair and/or purchase and/or lease and/or replacement of departmental equipment for the various departments substantially as follows: Information Technology, Police, Fire, Emergency Management, Harbor Master, DPW – Highway, DPW – Maintenance, DPW – Cemetery, DPW – Parks, Library, Recreation, and 1749 Court House, or take any other action relative thereto.

Lynne Barrett, the Finance Director, came up and explained Article 8 saying that this comes up every year. She said it's not in the regular budget because they are typically one time or once in a while purchases. She said these requests don't fall under the Capital Improvement Committee's guidelines. The total amount for the requests is \$779,321 of which \$493,510 is being recommended by the Town Manager. Ms. Barrett then provided the Board with a list and breakdown of these costs and allocations.

Chairman Tavares then asked the Board to go down the list and try to ask their questions in order for the particular items. He began by asking about Moving Archives and the Remote Cameras. Melissa Arrighi said that she met with Procurement and was disappointed that these couldn't be funded because we'll be in the middle of the move into the New Town Hall. Ms. Arrighi added that the State may use us as a test for archiving and if that's the case we could be provided with some funding for this.

Shelagh Joyce asked about the Cover Memo asking if the funding for these requests would come from free cash or the tax rate, to which Lynne Barrett said it would either come from the tax rate or possibly left over funds from some previous Article 8 funds. Selectmen Joyce asked Ms. Barrett to please update them when she has that information.

Selectman Page asked Ms. Barrett and Ms. Arrighi what they based their recommendations on, to which Ms. Arrighi said they met with Department Heads to prioritize their needs. She added that they try to keep Article 8 less than a half million dollars. Selectman Page then asked if the items that are deferred are automatically brought to the forefront the next year. Melissa Arrighi said no, they get put back on the list and that list is newly prioritized yearly.

Selectman Mahoney asked about the Police Department's request for 8 new vehicles. He said of the 8 that were requested only 5 are being recommended. He then asked is this kicking a can down the street and get worse every year. Melissa Arrighi said yes, the need is there but again, we ask them to prioritize and inform us with which ones they think they could do without and put off for another year.

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved moving Article 8 to the 2017 Spring Town Meeting. *Voted 5/0*

7:30PM – ARTICLE 9 – Capital Requests

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the construction and/or repair and/or purchase and/or lease and/or replacement of departmental buildings and/or equipment and/or capital facilities for various departments of the Town and/or feasibility and other types of studies, or take any other action relative thereto.

Lynne Barrett explained to the Board that these items are typically for the purchase of larger items in regards to buildings and infrastructure. Again, the Department Head put in their requests then it is presented to the Capital Improvement Committee for their review. Once they review the requests they rank them in order of importance and urgency. Ms. Barrett then referred the Board to a handout that she presented earlier that afternoon.

Chairman Tavares said since they received this information at the last minute would she mind going over the list with the Board.

Ms. Barrett then went over the list pointing out that the yellow highlighted items were the ones being recommended to the Board.

Selectman Page pointed out that putting these items off is just going to cost more money in the future, adding that maintenance is very important in saving money. He mentioned the Cedarville Fire Station as one of the buildings in need of attention.

Melissa Arrighi replied by saying they would love to fully fund all of these requests but the Board would have to authorize that and give me the direction to spend four million dollars.

Chairman Tavares said this is a balancing act and that the tax payers will not approve to fund all of these requests so we are forced to pick and choose.

Selectman Page said it's frustrating to let maintenance go, to which Chairman Tavares said no one disagrees with you, but look at the list, we are forced to pick and choose. There are some hefty items that we simply can't address.

Selectman Page asked about the recreation's seasonal vehicles, saying that if they are only used for 3 months would it make sense to refurbish them and buy a needed cruiser. Dennis Westgate said that this vehicle was recommended by Barry DeBlasio, Recreation Director, similar to a cruiser to be used from Memorial Day to Labor Day which it can also be shared.

Selectman Joyce said that she sat in on a 9 hour meeting with the Capital Improvement Committee. She said staff has been forced to use their own vehicles so some of these requests are justified. She then specifically asked about the Splash Pad at Nelson Park wanting more information on that line item.

Ms. Arrighi said that she felt the Splash Pad was very important based on the use by families and also based on the fact that we've been trying to build up Nelson Park.

Selectmen Mahoney referred to the second page making a comment that he would like to see the Holmes Dam addressed sooner than later. He then asked if we could reach out to the State Delegation to see if we can get these on their priority list.

Selectman Page asked about the repairs at 11 Lincoln Street saying that there was talk that once you move the old Town Hall would be used by the School Department and then I heard that they weren't going to use it. He asked for an update on that matter.

Chairman Tavares said that he had a discussion with the School Committee Chairman and the Superintendent and asked to have a meeting that we could all attend. He added that we need to get those answers in the coming weeks. Selectman Mahoney expressed that he would love to attend that meeting.

On a motion by Sean Page and seconded by Anthony Provenzano Jr, the Board approved moving Article 9 to the 2017 Spring Town Meeting. *Voted 5/0*

7:59PM – **ARTICLE 10** – Road Repairs and Pavement Management

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise fund \$5,000,000 in improvements to Public and Unaccepted Roads including all costs necessary and related to the following: Resurfacing, Crack Sealing, Aggregate and Recycled Pavement, Drainage, Pavement Markings, Guardrails, Sidewalks, Street Lighting, Traffic Control, Berms and Curbs, Right of Way Acquisition, Bicycle Lanes, Bridges, Trees/Planting/Landscaping, or take any other action relative thereto.

Jonathan Beder came up to talk briefly about Article 10 and STM Article 7 and their funding options. He then asked Lynne Barrett up to go through her PowerPoint presentation.

Ms. Barrett's presentation was primarily regarding the excise tax and what those revenues are currently used for. She began by going over how and why the excise tax was originally implemented and how the assessing process works in regards to vehicle worth and depreciation. Ms. Barrett then showed the excise history for the Town of Plymouth over the past 20 years to show trends and how they can plan for this revenue. She also showed the projected excise revenue estimates and how they would work towards the Pavement Management Program Debt Stabilization Fund. Finally, Ms. Barrett showed a projected schedule from Fiscal Year 2018 through Fiscal Year 2038 and its associated costs.

Anthony Provenzano Jr, Vice Chairman, said they did a great job on the presentation and that it was a create way of handling this project. He added that he liked how they showed the other aspects of roads that the excise tax has been used for, but then asked if we could be more creative and pay as we go rather than borrow.

Lynne Barrett said we could absolutely shorten the borrowing to a 5 or 10 year period but we don't have the available funds to get this project going.

Selectman Mahoney asked to see the presentation slide that showed how the excise tax actually goes towards roads. He went on to say that he had asked Senator deMacedo to do some research on when the State allowed excise taxes to go towards things other than roads so he will be getting back to me son. Selectman Mahoney then apologized and said he was guilty of telling people that excise taxes do not go towards road costs and for giving them misleading information. He finished by saying he supports this wholeheartedly and that this is the beginning of a great project.

Selectman Page said it was great to see these numbers for asphalt and repairs, then asked why the actual numbers and budgeted numbers were different, to which Lynne Barrett said that the DOR will not allow you to increase your budget unless you can substantiate it, and we set our tax rate in December so if we increased that then DOR would come back and ask why it was more than we took in last year.

Selectman Joyce referred back to one of the slides that showed Option one and asked Lynne Barrett what the potential impact would be to the tax payers.

Ms. Barrett replied by saying there wouldn't be an impact to the tax payers because it's paid for by excise tax. She did say however that it was implied and that she could research it later and give Selectman Joyce some estimated numbers.

Selectman Provenzano said that business as usual will not bring the roads to a place where the need to be. He said the long-term effects would be that we wouldn't have any free cash to maintain buildings, so there's an impact to doing that which would make it difficult dealing with other issues.

On a motion by Sean Page and seconded by John Mahoney, the Board approved moving Article 10 to the 2017 Spring Town Meeting. *Voted 5/0*

8:40PM – STM ARTICLE 7

To see if the Town will vote to establish a Pavement Management Plan Debt Stabilization Fund, as authorized by the provisions of G.L. c.40 §5B which fund shall be under the care and custody of the Town Treasurer, and further, to raise and appropriate and/or transfer from available funds a sum of money for the purposes of funding principal, interest and any other borrowing costs associated with the Pavement Management Plan submitted to the Capital Improvement Committee and funded by Town Meeting on an annual basis, or take any other action relative thereto.

Back-up for this Article was included in the Article 10 presentation.

On a motion by John Mahoney and seconded by Sean Page, the Board approved moving STM Article 7 to the 2017 Spring Town Meeting. *Voted 5/0*

8:45PM – ARTICLE 30 – Solar By-Law (Continued)

Chairman Tavares said that when the vote was previously taken on this Article there was a tie vote as one of the Board Members was not present, so he asked that it be brought back to the Board at a future date, which is why it's being continued tonight.

Sharl Heller came up first and summarized the Article. She explained the five changes made to the By-Law and recapped the Finance Committee's votes. She finished by reading a newspaper article that quoted two of the Finance Committee Members.

Everett Malaguti came up next saying that after the first presentation the Energy Committee met and discussed the rights of people who own land as abutters. He said they vetted the impacts to residents and taxpayers. Mr. Malaguti then talked about the proposed size of 5 acres and compared the buffer size to those of some surrounding communities. He finished by saying they would like the Board to take into consideration the protection of residents as well as the protection of solar developers.

Steve Striar came up and showed the Board a map of Plymouth highlighting the areas where endangered species inhabit and the areas of town that would be restricted under this new By-Law, stating that it would restrict most of Plymouth. The Board then reviewed the map which Mr. Striar passed around.

Chairman Tavares then turned to the Board for comments, which there were none.

On a motion by John Mahoney and seconded by Sean Page, the Board approved moving Article 30 to the 2017 Spring Town Meeting. *Voted 3/2*

9:00PM - RECESS

9:10PM – STM ARTICLE 9, 10 AND 11

To see if the Town will vote to rescind the Article 91 vote at the April 9, 1973 Annual Town Meeting of Chapter 48, Section 42 commonly known as Strong Fire Chief Statute, or take any other action relative thereto.

Chairman Tavares asked to consider STM Article 9, STM Article 10 and STM Article 11 at the same time.

The President of Plymouth Fire Local 1768, James Brown, came up first thanking the Board of Selectmen for delaying their vote on these three STM Articles. He said they expected something different to be presented this spring, but it is the same as last fall. He went on to say that the Town still hasn't come up with a plan to replace Civil Service, adding that it wants to repeal and replace but they only have a plan for repeal. Mr. Brown finished by saying the members of Local 1768 are concerned that these jobs will be going outside the department and that qualified candidates will be bypassed because of favoritism.

Dale Whitbeck, Plymouth Veterans Council Chairman, came up next saying he met with the Town Manager and Fire Chief recently to discuss this issue. He said after talking to them he remains unconvinced that the benefits outweigh the potential drawbacks. He went on to say some of us have sons and daughters who are still serving our country and I'd like to think when they finally come home and want to serve their community, Civil Service would still be there for them.

Robert Graser, Plymouth Resident and past VFW Commander, came up and said he was representing the Mass Military Veterans Alliance in opposition to any changes to Civil Service that will affect a Veteran's preference. He went on to say he understands this will only affect upper management, but the old adage is, give them an inch and they take a mile. Mr. Graser said that they have awoken a sleeping giant and we are going to fight this right here in America's Hometown. He finished by saying you probably don't deserve this but we are going to stand up for our rights as veterans.

Benjamin Dexter, a member of VFW Post 1822 as well as VP of the Plymouth Police Brotherhood, came up next saying that this is just the beginning of the domino effect. First they change the age to 32, then remove Fire Chief from Civil Service, adding that it's the first step in completely removing Civil Service altogether.

Phillip Ryan came up saying he joined the State Police which was not under Civil Service but he supports keeping Civil Service because it protects people.

Melissa Arrighi, Town Manager, gave her presentation from the January 31, 2017 Selectmen's Meeting as a recap. She added some new information, mainly a slide showing some Social Media Posts from Town staff members with erroneous information regarding removing Civil Service and the effects it will have. Ms. Arrighi wanted to correct those wrong statements to ensure everyone had accurate information. She also assured everyone that there would be protection put into place that would replace the protections under Civil Service. Ms. Arrighi also wanted to stress that this was not a power grab by the Town Manager's Office in order to show nepotism when hiring. She added that even though the Town Manager would be the appointing authority, the Board of Selectmen also had the

power to veto any of the Town Manager's appointments. She then asked Fire Chief Ed Bradley to come up and discuss his reasoning for wanting to remove Civil Service.

Ed Bradley, Plymouth Fire Chief, came up to explain why he supports removing Civil Service from the Chief's and Deputy Chief's positions. He began by saying he has capable men but they don't want to take the test. The Chief said Civil Service has hit rock bottom and they are trying to reorganize, and the problem with that is they won't address the chiefs first, but rather the rank in file. Chief Bradley went on to say that this request was being made out of frustration because we have jobs that we can't fill, and went on to say it wasn't an easy decision for him to make. The Chief suggested getting a private vendor to act as an assessment center for hiring, saying that we could certainly revisit Civil Service once they have reorganized. He also said that Civil Service told him that they could not afford to give the Fire Chief's Test which makes it impossible to fill his job. The Chief finished by saying we need to move forward as he cannot continue to be held hostage. Chief Bradley then touched on provisional appointments until they can replace him saying that they never work out well. He said they have to deal with sensitive employee issues then once the job is permanently filled they go back to working side by side with these same employees.

John Mahoney, Selectman, asked who was initiating the overhaul of Civil Service at the State Level, to which Chief Bradley said it's been going on for about 10 years now and that Brianna Ward was working on test development. The lack of funding is prohibiting them from developing, administering and correcting tests.

Selectmen Mahoney then made the point that the Selectmen can veto any appointment that the Town Manager makes and assured people this was not a power grab. He then asked the Chief how the person that will replace you will go through the process, to which Chief Bradley said he suggests hiring a third party. He also said sometimes other towns will send over their Chiefs to help with the assessment of potential hires.

Sean Page, Selectman, stated that after a lengthy discussion with Town Counsel he informed the Board that he is authorized to weigh in on this issue despite being a fire fighter. He then asked if removing Civil Service had to be bargained, to which Melissa Arrighi said that yes, but after it's approved at Town Meeting.

Selectman Page then asked if Ms. Arrighi had bargained with Chief Bradley, to which the Chief said yes they bargained, and we also talked about putting the additional protections into the personnel by-laws.

Selectman Page pointed out the fact that by-laws can be changed so nothing is permanent, adding that now Melissa Arrighi now has the final say over the Chiefs.

Melissa Arrighi replied by saying the Chiefs do not have the power to appoint now even with Civil Service, and the Selectmen have the final say as they can veto any appointment.

Shelagh Joyce, Selectman, said she respects the Fire Chiefs opinions so I'm going to support this requests even though my husband is a disabled Vietnam veteran who volunteers weekly at the Bourne National Cemetery, adding that they are very respectful of Veterans and the sacrifices they have made. She then asked Chief Bradley about the number of Towns that have and do not have Civil Service.

Chief Bradley replied by saying there are 366 Fire Departments within Massachusetts, of which only 54 Fire Chiefs are under Civil Service, so that means that 85% of Massachusetts Fire Chiefs are not running under Civil Service at the moment.

Chairman Tavares then turned it over to the Board for a vote and asked to take each of the three Articles separately.

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved moving STM Article 9 to the 2017 Spring Town Meeting. *Voted 4/1*
Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Joyce-Yes, Page-No

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board approved moving STM Article 10 to the 2017 Spring Town Meeting. *Voted 4/1*
Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Joyce-Yes, Page-No

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved moving STM Article 11 to the 2017 Spring Town Meeting. *Voted 4/1*
Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Joyce-Yes, Page-No

7:20PM - LICENSES AND ADMINISTRATIVE NOTES

LICENSES

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved a One Day All Alcohol License for **Plymouth Lions Club** for a March Vegas Night being held on March 25, 2017 from 7:00pm to 11:00pm at Memorial Hall. *Voted 5/0*

On a motion by Sean Page and seconded by Anthony Provenzano Jr, the Board approved a One Day All Alcohol License for the **Plymouth Philharmonic Orchestra** for Concerts for the following dates and locations: *Voted 5/0*

- April 1, 2017 from 7:00pm to 10:00pm at Memorial Hall
- April 1, 2017 from 6:00pm to 8:00pm at Pilgrim Hall Museum
- May 13, 2017 from 6:00pm to 10:00pm at Memorial Hall

On a motion by Shelagh Joyce and seconded by Anthony Provenzano Jr, the Board approved a New Vehicle for Hire Operator License for **Special Occasion Limousine** for the following:

- Jeffrey Corn, 40 Mount Pleasant Street, Plymouth, MA 02360

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board approved a Special Auctioneer's Permit for **J James Auctioneers and Appraisers** for an Auction being held on April 1, 2017 from 2:00pm to 5:00pm at Memorial Hall. *Voted 5/0*

ADMINISTRATIVE NOTES

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved the **Open Meeting Minutes** from the January 24, 2017 Selectmen's Meeting. *Voted 4/0*
Selectman Sean Page Abstained

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved the **Open Meeting Minutes** from the January 31, 2017 Selectmen's Meeting. *Voted 5/0*

On a motion by Sean Page and seconded by John Mahoney, the Board approved an Aquaculture License for Tara O'Shea of 1586 State Road, Plymouth, for a term of three years commencing on February 15, 2017 and terminating on February 14, 2020 for use of a 2 acre area within Plymouth Harbor described by the following coordinates:

Northwest Corner	Northeast Corner:
N 41° 59' 13.825"	N 41° 59' 12.232"
W 70° 40' 19.095"	W 70° 40' 14.252"

Southwest Corner	Southeast Corner:
N 41° 59' 11.82"	N 41° 59' 10.267"
W 70° 40' 20.209"	W 70° 40' 15.377"

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved an Aquaculture License for Antonio Viscariello of 29R Kingfisher Lane, Plymouth, for a term of three years commencing on February 15, 2017 and terminating on February 14, 2020 for use of a 2 acre area within Plymouth Harbor described by the following coordinates:

Northwest Corner	Northeast Corner:
N 41° 59' 11.275"	N 41° 59' 10.455"
W 70° 40' 25.623"	W 70° 40' 22.272"

Southwest Corner	Southeast Corner:
N 41° 59' 8.218"	N 41° 59' 7.439"
W 70° 40' 27.197"	W 70° 40' 23.834"

10:12PM - COMMITTEE LIAISON / DESIGNEE UPDATES

10:14PM - OLD BUSINESS / LETTERS / NEW BUSINESS

10:15PM - ADJOURNMENT

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board voted to adjourn the Open Session at 10:15pm. *Voted 5/0*

By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Joyce-Yes, Page-Yes

Recorded by: Christopher Badot

Administrative Assistant, Board of Selectmen